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Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

Enhancing and expanding the functions and powers of the General Assembly

Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

In accordance with the rules of procedure of the General Assembly, rule 14, I have the honour to request the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Enhancing and expanding the functions and powers of the United Nations General Assembly".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are annexed hereto.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

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Annex I

[Original: Arabic]

Explanatory memorandum

1. The United Nations was established in 1945, as the world was emerging from a destructive and bloody war, and the peoples of the world hoped that it would play an important part in enabling mankind to avoid the horrors of war. The States that had been victorious in the war were instrumental in setting up the organization, and formulated its Charter in a manner designed to assure them more rights than the other States of the world. That is a major shortcoming that other States Members have been unable to address. However, great changes have taken place throughout the world: situations have altered and blocs have become more numerous, making it unacceptable for the United Nations, which currently has 192 Members, to remain just as it was when it had only 50 Members. There is a clear need to reform the Organization and, in particular, the General Assembly, which represents the whole world but is currently unable to overcome the obstacles it faces and play an authoritative part in maintaining international peace and security. It is, furthermore, unable to command respect for its resolutions and ensure that they are implemented, and must therefore be granted the full powers that will enable it to shoulder its responsibilities.

2. In the Outcome Document of the 2005 World Summit, States Members reaffirmed the central position of the General Assembly as the chief deliberative, policymaking and representative organ of the United Nations, as well as the role of the Assembly in the process of standard-setting and the codification of international law. Heads of State and Government welcomed the measures adopted by the General Assembly with a view to strengthening its role and authority and the role and leadership of the President of the Assembly and, to that end, called for their full and speedy implementation.

3. While the General Assembly has, over the years, adopted many resolutions that have included numerous significant measures designed to promote its role, a great number of other central reforms are required. Such reforms include, inter alia, making General Assembly resolutions binding on all Member States and other United Nations bodies, including the Security Council, which must serve as a tool for the implementation of those resolutions.

4. The competencies of the General Assembly grant it the status of both a central supervisory and monitoring body and a forum for the discussion of all internal matters. Under the Charter of the United Nations, Article 10, the General Assembly may discuss any questions or any matters within the scope of the Charter or relating to the powers and functions of any organs provided for in the Charter, and, except as provided in Article 12, may make recommendations to Members of the United Nations or to the Security Council or to both on any such questions or matters.

5. While the above-mentioned article gives the Assembly general and comprehensive authority to discuss any questions or any matters within the scope of the Charter, numerous other provisions of the Charter circumscribe its powers and obstruct the performance by the Assembly of the pivotal role set forth in Article 10. Article 12, paragraph 1, for example, provides that, while the Security Council is exercising its functions in respect of any dispute or situation, the General Assembly

shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests. Article 4, paragraph 2, provides that States will be admitted to membership of the United Nations by a decision of the General Assembly upon the recommendation of the Security Council. Pursuant to Article 97, the General Assembly also requires the recommendation of the Security Council in order to appoint the Secretary-General. Article 27, paragraph 3, provides that decisions of the Security Council on all matters other than procedural matters shall be made by an affirmative vote of nine members, including the concurring votes of the permanent members, thereby conferring on those permanent members the right to exercise a veto, a right which does not accord with the principle of the sovereign equality of all United Nations Members. While Article 18, paragraph 1, provides that each member of the General Assembly shall have one vote, members of the International Court of Justice are elected by the General Assembly and by the Security Council, which effectively gives Security Council members two votes: one in each body. The Charter must therefore be amended in order to give the General Assembly full powers.

6. Given that the General Assembly is the main United Nations body in which all Members are represented, and that it has genuine legitimacy and is tantamount to a world parliament, it is essential to expand its mandate and powers in order to reflect its universality and the role with which it has been entrusted which, as provided for in the Charter, includes matters relating to the maintenance of international peace and security, and its resolutions must be considered binding on all States Members and United Nations bodies, including the Security Council, which must serve as a tool for the implementation of those resolutions.

Annex II

[Original: Arabic]

Draft resolution
Enhancing and expanding the functions and powers of the United Nations General Assembly

The General Assembly,

Recalling the historic 2000 Millennium Declaration and the 2005 World Summit Outcome and the commitments Member States made therein to reach specific goals with the aim of achieving peace and security, together with other commitments that included strengthening both the rule of law and the role of the organization,

Recalling also resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling further its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Referring to its powers pursuant to resolution 377 (V), entitled "Uniting for Peace",

Reaffirming the purposes and principles of the Charter of the United Nations,

Acknowledging that the General Assembly is the chief deliberative and general policymaking organ of the United Nations,

Recognizing the importance of promoting institutional equilibrium and coordination between the General Assembly and the other main bodies as part of the comprehensive reform of the United Nations,

Considering that the efforts jointly exerted by the General Assembly, the Security Council and the Social and Economic Council are essential if comprehensive and constructive solutions are to be found to global problems and challenges,

Recalling the provisions of the Charter of the United Nations respecting the functions and powers of the General Assembly, including those which refer to the maintenance of international peace and security,

Recalling also that the General Assembly represents a forum for multilateral discussion of the whole spectrum of international issues covered by the Charter, and that it is entitled to consider and put forward suggestions on any of the questions or matters that affect or are connected with the powers and functions of any United Nations organ,

Reaffirming the need for General Assembly resolutions to be considered as binding, thereby enabling the Assembly to work effectively in its capacity as the chief representative organ of the United Nations and enjoy genuine legitimacy in giving expression to the will of every Member State,

Taking into consideration the reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,

1. *Decides* to consider expanding the functions and powers of the United Nations General Assembly as the chief body that represents all Members of the United Nations;

2. *Decides also* to take appropriate measures to expand the functions and powers of the United Nations General Assembly;

3. *Decides further* that all General Assembly resolutions shall be binding on all Member States and other United Nations bodies, including the Security Council;

4. *Decides* to remain seized of the matter.